

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL)	
COUNCIL OF CARPENTERS PENSION FUND,)	
CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS WELFARE FUND, and CHICAGO)	
REGIONAL COUNCIL OF CARPENTERS)	
APPRENTICE & TRAINEE PROGRAM FUND)	
)	CIVIL ACTION
Plaintiffs,)	
)	07 C 6623
)	Judge Kennelly
v.)	
)	
RITEWAY-HUGGINS CONSTRUCTION)	
SERVICES, INC. d/b/a RITEWAY CONSTRUCTION)	
SERVICES, INC.)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR FINAL JUDGMENT

Plaintiffs, by their attorney, KAREN M. RIOUX, pursuant to Rule 54 of the Federal Rules of Civil Procedure and as instructed by this Court in its Order dated March 29, 2010, respectfully move for the entry of final judgment against Riteway-Huggins Construction Services Inc., in the amount of \$77,675.68. Plaintiffs concurrently file a draft Final Judgment Order in said amount. In support of the entry of the draft Final Judgment Order, Plaintiffs state as follows:

1. On March 15, 2010, this Court issued its Opinion granting in part and denying in part Plaintiffs' Motion for Summary Judgment on Liability for delinquent trust fund contributions. Specifically, this Court granted Plaintiffs' Motion For Summary Judgment with respect to the 381.5 hours based on payroll discrepancies; 32 hours worked by Defendant's

employee Willie Lee; the payments to non-signatory subcontractors Red Flooring and Vanique Custom Designs; the payments to non-signatory subcontractor Busy Hands and Feet prior to October, 2004 corresponding to the “payroll advancement” documentation; and the payments to Busy Hands & Feet for the work done at the Madden Wells jobsite for December 2004 and May 2005.

2. The Funds’ Audit Coordinator revised the audit based up this Court’s ruling and determined that the delinquent contributions attributable to the discrepancies noted above total \$28,122.59. (Ex. A, Declaration of Carolyn Santoro; Ex. B, Revised Audit). The attached Declaration of Carolyn Santoro provides a detailed explanation as to how the amount of the delinquent contributions was calculated.

3. In addition to the \$28,122.59 for delinquent contributions, the Funds also seek interest, liquidated damages, attorney fees and audit fees as provided for by Articles XII, XIII and XIV of the applicable Collective Bargaining Agreement and 29 U.S.C. § 1132(g)(2). (Ex. C, Collective Bargaining Agreement).

4. According to the Declaration of Audit Supervisor, Carolyn Santoro, attached as Exhibit A, the interest on the delinquent contributions totals \$10,773.37. An explanation of the calculation of interest is provided in the Declaration of Carolyn Santoro. (Ex. A).

5. The liquidated damages for the delinquent contributions total \$5,624.52, and were capped at 20.00% of the total delinquent contributions pursuant to 29 U.S.C. § 1132(g)(2).

6. The Funds are also entitled to reasonable attorney and audit fees pursuant to the Collective Bargaining Agreement and 29 U.S.C. § 1132(g)(2). The Funds expended \$6,740.20 in auditor fees (Ex. A, Declaration of Carolyn Santoro) and \$26,415.00 in attorney fees. (Exhibit D, Declaration of Karen M. Rioux).

7. The total amount of Defendant's liability is broken down as follows:

Delinquent Contributions:	\$28,122.59
Liquidated Damages:	\$ 5,624.52
Interest:	\$10,773.37
Audit Fees:	\$ 6,740.20
Attorney Fees:	<u>\$26,415.00</u>
Total:	\$77,675.68

WHEREFORE, Plaintiffs pray that this Court enter the draft Final Judgment Order concurrently filed with this Court entering judgment against Defendant in the amount of \$77,675.68.

Respectfully submitted,

By: s/ Karen M. Rioux
Attorney for Plaintiffs

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